

OFFICIAL COPY

Fresno, California March 15, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Natalie Chamberlain of United Christian Church gave the invocation, and President Dages led the Pledge of Allegiance.

PROCLAMATION OF BLACKIE GEJEIAN DAY - PRESIDENT DAGES

PROCLAMATION OF 2005 NATIONAL COLORECTAL CANCER AWARENESS MONTH - MAYOR AUTRY

The above proclamations were read and presented.

*ADD-ON:* COMMENDATION BY POLICE CHIEF DYER TO PARKS & RECREATION DIRECTOR COOPER FOR FLOWER-PLANTING EVENT AT THE PEACE OFFICER'S MEMORIAL IN FRONT OF THE POLICE DEPARTMENT

Commendation made.

----

**APPROVE MINUTES OF MARCH 8, 2005:**

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of March 8, 2005, approved as submitted.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:**

COMMENDATION TO DUNCAN POLYTECHNICAL HIGH SCHOOL FOR BEING RECOGNIZED AS ONE OF NINE BREAK-THROUGH HIGH SCHOOLS NATIONWIDE PROFILED THIS YEAR IN THE PRINCIPAL'S LEADERSHIP MAGAZINE - COUNCILMEMBER DUNCAN

Commendation made with Councilmember Duncan pointing out the school has a 97% graduation rate, and Councilmember Calhoun adding the school also had a strong vocational mission and extended his congratulations. Councilmember Westerlund later advised he would be presenting a proclamation to the school on Friday.

COMMENDATION TO FRESNO CITY COLLEGE BASKETBALL TEAM AND COACH WALBERG ON THEIR 34-0 RECORD AND FOR BEING THE THIRD TEAM IN THE HISTORY OF COMMUNITY COLLEGE BASKETBALL TO WIN THE STATE CHAMPIONSHIP - COUNCILMEMBER CALHOUN

Commendation made with Councilmember Calhoun inviting all to attend a celebration on March 16<sup>th</sup> at noon at the college fountain.

**145-98****3/15/05**

ANNOUNCEMENT OF BNSF RAILROAD PUTTING THEIR PLAN TO BUILD A SITING STATION IN NORTHWEST FRESNO ON HOLD - COUNCILMEMBER CALHOUN

Announcement made.

LOUISVILLE DEPUTY MAYOR RHEIM'S VISIT TO FRESNO AND DISTRICT 2 COUNCIL ASSISTANT/CSUF INTERN JOSH MCDONALD'S REFLECTION OF FRESNO AS SEEN THROUGH HER EYES - COUNCILMEMBER CALHOUN

Councilmember Calhoun read portions of Josh's reflection which dealt with the beauty of Fresno and all the progress being made as stated by Ms. Rheim during her recent tour of Fresno.

NEED FOR ADDITIONAL GRAFFITI SURVEILLANCE VANS DUE TO DEMAND - COUNCILMEMBER PEREA

Councilmember Perea questioned if there were plans to purchase another van or possibly one for each policing district, with City Manager Souza stating staff was looking at options to expand as the van was a very effective tool and added it would be addressed in the upcoming budget.

COMMENDATION TO SEWER DIVISION ON THEIR OPERATION AND FOR HOSTING A RECENT TOUR - COUNCILMEMBER STERLING

Commendation made.

SUBMITTAL OF INFORMATION ON A SLUMLORD TO CODE ENFORCEMENT - COUNCILMEMBER STERLING

Councilmember Sterling advised she had some information on a slumlord and would be submitting it to staff to assist them.

COMMENDATION TO PUBLIC WORKS STAFF FOR ADDRESSING THE KEARNEY BOULEVARD LANDSCAPING PROBLEMS - COUNCILMEMBER STERLING

Commendation made.

DUNCAN POLYTECHNICAL HIGH SCHOOL'S ACHIEVEMENT AND ANNOUNCEMENT OF A PROCLAMATION BEING PRESENTED TO THE STUDENT BODY ON FRIDAY, MARCH 18<sup>TH</sup> - COUNCILMEMBER WESTERLUND

Announcement made.

UPDATE ON MILITARY BASE REALIGNMENT AND RFP - COUNCILMEMBER WESTERLUND

Update given.

COMMENDATION TO THE DEDICATED DISTRICT 1 RESIDENTS FOR THE CAL RIPKEN YOUTH BASEBALL LEAGUE - COUNCILMEMBER BOYAJIAN

Commendation made.

REQUEST FOR PUBLIC WORKS STAFF TO MEET WITH BUSINESS OWNERS AT THE NORTHEAST CORNER OF KINGS CANYON AND CHESTNUT ON CONSTRUCTION WORK AFFECTING THEIR BUSINESSES - PRESIDENT DAGES

Request made.

REITERATION OF PRIOR REQUEST TO STAFF TO ASPHALT PEACH AVENUE BETWEEN THE CALIFORNIA ALIGNMENT AND FLORENCE AVENUE DUE TO BAD ROAD CONDITIONS AND FOR THE SAFETY OF STUDENTS WALKING TO SCHOOL - PRESIDENT DAGES

Request made.

145-99

3/15/05

**"MUSIC MAN" PLAY AT THE MEMORIAL AUDITORIUM - PRESIDENT DAGES**

President Dages encouraged all to attend and commended the players and spoke highly of the performance.

----

**APPROVE AGENDA:****(3-B) DISCUSSION AND DIRECTION REGARDING ARTWORK IN FRONT OF PUBLIC BUILDINGS, SPECIFICALLY IN FRONT OF FIRE STATION NO. 15 IN SUNNYSIDE - PRESIDENT DAGES**

At the request of President Dages, and by Council consensus, the matter was set for 11:00 a.m. for citizen convenience.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

----

**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke to issues/concerns with the Fresno Unified and West Fresno school districts and to the need for the city to assist. City Attorney Montoy noted Ms. Hunt addressed the public comment portion of the agenda.

Councilmember Boyajian pulled items 1-L and 1-M, Councilmember Calhoun pulled item 1-K, and Councilmember Westerlund pulled Item 1-G from the consent calendar for discussion at 2:00 p.m.

**(1-A) APPROVE A THREE (3) YEAR EXTENSION OF THE LEASE AND CONCESSION AGREEMENT WITH NICHOLAS J. PALOMARES FOR OPERATION OF A ONE-CHAIR BARBERSHOP IN THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI), AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE THE APPROPRIATE LEASE ADDENDUM NO. 2 ON BEHALF OF THE CITY**

**(1-B) APPROVE AMENDMENTS TO AGREEMENTS C-1446 AND C-1448 WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT (SJVUAPCD) HEAVY DUTY ENGINE INCENTIVE PROGRAM TO RECEIVE \$91,288 IN ADDITIONAL GRANT FUNDS TO MITIGATE 57% OF THE INCREMENTAL COST OF 7 NEW LIQUID NATURAL GAS (LNG) POWERED REFUSE TRUCKS**

**(1-C) AWARD A FIVE-YEAR REQUIREMENTS CONTRACT IN THE AMOUNT OF \$263,812.79 TO RADIO SATELLITE INTEGRATORS, INC., OF TORRANCE, CA FOR GLOBAL POSITIONING SYSTEM/AUTOMATED VEHICLE LOCATION**

**(1-D) AWARD A THREE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO TOTER INC., OF STATESVILLE, N.C., IN THE AMOUNT OF \$433,304.31 FOR RESIDENTIAL REFUSE CONTAINERS**

**(1-E) AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE YEAR EXTENSIONS TO BRADLEY & SONS OF DEL REY, CA, IN THE AMOUNT OF \$126,000 FOR WATER WELL TEST HOLE DRILLING**

**(1-F) AWARD A ONE YEAR REQUIREMENTS CONTRACT TO ZIM INDUSTRIES, INC., OF FRESNO, IN THE AMOUNT OF \$531,870 TO FURNISH AND INSTALL WATER WELL PUMPING EQUIPMENT**

**(1-H) ADOPT RESOLUTION OF INTENTION (R.I.) NO. 1039-D SETTING A PUBLIC HEARING FOR APRIL 5, 2005, TO CONSIDER THE VACATION OF A PORTION OF THE EAST SIDE OF N. FORKNER AVENUE SOUTH OF W. HERNDON AVENUE**

145-100

3/15/05

**(1-I)** APPROVE AN AGREEMENT WITH KLEINFELDER, INC., FOR \$56,147 TO PERFORM A SECOND ROUND OF LANDFILL GAS COMPLIANCE TESTING AT THE FRESNO SANITARY LANDFILL SUPERFUND SITE, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1-J) RESOLUTION NO. 2005-87** - 9<sup>TH</sup> AMENDMENT TO SALARY RES. 2004-213 REFLECTING THE CREATION OF A NEW CLASS, FIRE INVESTIGATION UNIT SUPERVISOR, AT THE SALARY EQUIVALENT TO THAT OF FIRE CAPTAIN

**(1-N)** APPROVE A CONTRACT WITH THE IMFELD AND IMFELD PROPERTY MANAGEMENT COMPANY TO HANDLE THE RENTAL OF A CITY-OWNED HOUSE LOCATED ON WASTEWATER RECLAMATION PROPERTY AT 6453 W. CENTRAL AVENUE, AND AUTHORIZE THE WASTEWATER MANAGER TO EXECUTE THE AGREEMENT WITH THE OPTION TO EXTEND IT FOR TWO ADDITIONAL ONE-YEAR PERIODS

**(1-O) RESOLUTION NO. 2005-88** - INTENT TO ANNEX FINAL TRACT NO. 5224 TO CITY OF FRESNO CFD NO. 2, ANNEXATION NO. 88, AND SETTING A PUBLIC HEARING FOR APRIL 19, 2005

**(1-P)** APPROVE A COST REIMBURSEMENT AGREEMENT, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM, FOR \$451,000 WITH THE CITY OF CLOVIS, TO CONSTRUCT PHASE I OF THE WATER MAIN INTERCONNECTION PROJECT, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**(1-Q) RESOLUTION NO. 2005-89** - APPROVING THE REALLOCATION OF \$78,500 FOR INSTALLING HIGH SPEED FIBER OPTIC CABLE IN THE CITY OF FRESNO

**1. RESOLUTION NO 2005-90** - APPROVING A REIMBURSEMENT AGREEMENT WITH THE CITY OF CLOVIS FOR AN ESTIMATED AMOUNT OF \$78,475 FOR FIBER OPTIC IMPROVEMENTS REQUIRED FOR THE E-GOVERNMENT PROJECT, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN THE REIMBURSEMENT AGREEMENT

On motion of Councilmember Westerlund, seconded by President Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

----

**(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY GEORGIA UREMOVIC, 3123 W. ASHCROFT, REGARDING DRIVE-BY SHOOTING IN HER NEIGHBORHOOD AND CONCERN WITH THE LENGTHY POLICE RESPONSE TIME AND FOLLOW-UP

Appearance made and concerns expressed **(2 - 0)** with City Manager Souza stating staff would review and report back by tray memo, and Councilmember Boyajian recommending a meeting be set with neighbors and the northwest police district station.

----

**(9:05 A.M.) RECEIVE ANNUAL REPORT FROM SMG ON THE CONVENTION CENTER - PRESIDENT DAGES**

President Dages advised he scheduled this item as the agreement with SMG called for an annual report, and SMG principals Bill Overfelt and Sr. Vice President Tom Conner reviewed the matter and gave an extensive PowerPoint presentation, all as contained in their report as submitted to Council.

Speaking to the issue were: Fred Pfeifer, 1903 E. Simpson, who spoke to and presented questions relative to operating expenses; and Barbara Hunt, 2475 S. Walnut, who spoke to the need for more diverse-type events at the convention center.

145-101

3/15/05

Lengthy discussion ensued. City Manager Souza, Mr. Overfelt, Mr. Conner and Lloyd Kennedy of the Convention & Visitors Bureau (CVB) responded to numerous issues and questions presented by Councilmembers Boyajian, Perea, Sterling, Westerlund and Duncan relative to savings, stadium bookings, events, SMG taking credit for hotel room bookings, who maintains the facility, renovation of the arena and theater, old equipment/need for updated equipment, departmental fees and how departments are absorbing losses, **(3 - 0)** plans for the stadium, change in the CVB's responsibilities and if the CVB has seen any differences, SMG and CVB's working relationship, the proposed 4-star hotel, importance of conventions and what groups look for, stadium goals, who books conventions, concern with the \$350,000 one time contribution counted as savings, Councilmember Perea stating contractual obligations were not met and he could not accept the numbers given or accept the report, the new hires to replace employees that left, problems encountered at some events and if old employees had to be called back, the Sports Council that was established to bring in events, loss of the Heat Wave, bookings and availability, need for the Sports Council to be more visible, bookings prior to SMG and future bookings, preparation of financial statements and balance sheets, projections and shortfall, bonuses/incentive fees, numerous questions on the numbers and costs, if accounting problems have been resolved, Councilmember Duncan commending SMG on an outstanding first year, the CVB being imposed on SMG and being commended for working well with SMG **(4 - 0)**, if benchmarks were established for the CVB and if SMG was satisfied with their performance, the good variety of entertainment venues and conventions at the convention center and Save Mart Arena, Mr. Kennedy's comment about flat-lining in the future and if the CVB was optimistic about their ability to do their job, and the status of the arena and theater renovation. President Dages stated a lot of his questions were asked by Councilmember Boyajian and thanked him for his in-depth reading and questions, complimented SMG and Mr. Overfelt for the Sports Council and for Kelly Carr and his enthusiasm, and reiterated he only asked for this report as it was due and for no other reason and stated it was a good report. There was no further discussion.

-----

**(9:30 A.M.) HEARING ON REZONE APPLICATION NO. R-04-73, AND ENVIRONMENTAL FINDINGS, FILED BY RONALD CALLOWAY, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. BLYTHE AND W. CORNELL SOUTH OF W. SHIELDS AVENUE IN COUNCIL DISTRICT 1**  
**1. CONSIDER AND ADOPT E.A. NO. R-04-93, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR**  
**2. BILL NO. B-21 - ORDINANCE NO. 2005-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tacket reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the need to preserve agriculture.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-04-73, dated January 27, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-21 rezoning the subject property subject to the condition that the development of the property be designed to provide a circle turnaround driveway access to ensure that traffic is not disrupted and that a public health and safety hazard does not result from vehicles attempting to back out onto N. Blythe Avenue adopted as Ordinance No. 2005-23, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

-----

**(9:45 A.M.) HEARING ON REZONE APPLICATION NO. R-04-75, AND ENVIRONMENTAL FINDINGS, FILED BY DONALD W. SIMS, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. CALIFORNIA AND S. LILY AVENUES, WEST OF STATE HIGHWAY 99 IN COUNCIL DISTRICT 3**  
**1. CONSIDER AND ADOPT E.A. NO. R-04-75, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER**

EIR

**2. BILL NO. B-22 - ORDINANCE NO. 2005-24 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-5 TO R-1/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Tacket reviewed the issue as contained in the staff report as submitted and recommended approval.

**145-102**

**3/15/05**

Speaking to the issue were: Latrina Bowen, representing the applicant, who concurred with staff's recommendation; and Barbara Hunt, 2475 S. Walnut, who questioned the *E. California Avenue* designation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-04-75, dated January 27, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-22 rezoning the subject property adopted as Ordinance No. 2005-24, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

----

**(10:00 A.M.) HEARING ON THE 2005 WEED ABATEMENT PROGRAM**

**1. BILL NO. B-23 - (FOR INTRODUCTION) ADOPTING THE 2005 WEED ABATEMENT PROGRAM, AS AMENDED**

President Dages announced the time had arrived to consider the issue and opened the hearing. Code Enforcement Manager Villa gave a brief overview of the issue and along with City Attorney Montoy noted this was now being done by ordinance due to an issue that was raised when it was done by resolution, and advised the ordinance was being amended by adding two sentences and read them into the record.

Barbara Hunt, 2475 S. Walnut, expressed concern stating the city was making money off people with the weeds.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Villa and Ms. Montoy responded briefly to questions of Councilmembers Boyajian and Westerlund relative to whether communication was occurring between staff and the property owners relative to abatement actions, ramifications of adopting the program by ordinance versus a resolution and why it was being done by ordinance, and noticing issues. Councilmember Perea and President Dages commended Mr. Villa and staff for doing a great job.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled Bill No. B-23 introduced before the Council and laid over, as amended, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

----

**(10:15 A.M.) PRESENTATION BY JOHN CAPITMAN, EXECUTIVE DIRECTOR OF THE CENTRAL VALLEY HEALTH POLICY INSTITUTE, ON THEIR UPCOMING HEALTH POLICY LEADERSHIP PROGRAM - COUNCILMEMBER CALHOUN**

Councilmember Calhoun advised Mr. Capitman could not be present due to a family emergency, spoke to health and healthcare challenges facing communities and the nation and to community programs and activities that are addressing the problem, and gave an overview of the Health Policy Leadership Program as contained in his report to Council as submitted and asked anyone wishing to participate in the program to contact his office or Fresno State for information.

----

**(3-B) DISCUSSION AND DIRECTION REGARDING ARTWORK IN FRONT OF PUBLIC BUILDINGS, SPECIFICALLY IN FRONT OF FIRE STATION NO. 15 IN SUNNYSIDE - PRESIDENT DAGES**

President Dages reviewed the background of the issue including lack of community involvement in the process and voting, him not being included or asked for his input, the dislike of the art piece by some, the fire station construction not being affected if the artwork RFP is delayed, and the meeting that was held to consider the process and changes.

**145-103**

**3/15/05**

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; Joyce Aiken, Fresno Arts Council, who spoke to the process that was followed and in opposition to reissuing the RFP; and Denise Goodman, President, Sunnyside Property Owners Association, who stated their concern was the level and value of public input in the process was not addressed and they wanted to see additional, and more appropriate, art piece options.

City Manager Souza stated the meeting that was held to look at the resolution and administrative order showed the process would begin when plans were in design so the art would be included as part of the overall project but in this case the project was already designed and out to bid, or under construction, when the art policy was adopted, and stated staff, the arts council and the community did the best they could **(5 - 0)** and although a lot of time and energy had been invested in this staff was amenable to stepping back to look at how to balance public input and, if needed, reissue the RFP because it would not delay the fire station opening or impede the construction schedule.

Lengthy discussion ensued. Councilmember Calhoun stated an approved process was followed, it was wrong for neighbors to veto the decision, and the city manager's response was inappropriate and sent the wrong message to all who endorsed the concept; and stated if necessary the process should be adjusted in the future, a good art piece was chosen, and stated if the decision were to be reversed it would be censorship of an artistic art process approved by council. Councilmember Duncan stated this was about involving the people who pay the bill and who have to look at the art everyday and live with it, and stressed the people needed to have a say and he was supportive of starting over if necessary. Councilmember Perea stated the issue was the outcome and not the process, advised he had not been contacted by anyone with any concerns and this was just a claim and about one person who did not like the art, and stated a process was followed and the people should abide by it and thanked the fire department for being a pioneer in this. Councilmember Boyajian questioned if the procedure would have to be modified, if there was an appeal process, and if a process was not followed, with City Attorney Montoy responding, advising of options, and clarifying the process that was followed was close to the council-adopted art policy. Mr. Souza spoke further to the procedure described in the administrative order. Councilmember Boyajian continued and along with Councilmember Westerlund presented questions and comments relative to the process that was followed, what President Dages wanted to do or change, what process would be used in the future, if the Sunnyside Property Owners Association were able to see the eleven art pieces, who attended the meetings, how much time Chief Aranaz has spent on this issue, and the need to move forward as there had been public input.

President Dages clarified issues relative to those who attended meetings, stated involving citizens was important and emphasized the project was going to be integrated into the neighborhood and the neighbors needed to feel good about it, and made a motion to reissue the art RFP and involve the City Council and the community in the process and return to council.

Councilmember Calhoun clarified the resolution Council passed last May 11<sup>th</sup> indicated future CIPs projects would follow a different process and everyone was aware of that, emphasized a process was in place, the public and the arts council was involved and things were moving forward as expected, and stated at the 11<sup>th</sup> hour one or two people abstained in the vote and urged Council to oppose the motion stating it flied in the face of the resolution that was passed.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, staff directed to reissue the art RFP and involve the City Council and the community in the process and return to council, by the following vote:

Ayes : Boyajian, Duncan, Sterling, Dages  
Noes : Calhoun, Perea, Westerlund  
Absent : None

----

**LUNCH RECESS - 12:20 P.M. - 2:01 P.M.**

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEM(S):**

**(1-K) APPROVE AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF FRESNO FOR SHARED MAINTENANCE OF PUBLIC ROADS WHICH ARE DUAL-JURISDICTIONAL AND BORDER THE CITY LIMITS**

Councilmember Calhoun commended the regional cooperation agreement and presented questions relative to how staff arrived at Freeway 41/Eisenhower as the dividing line and what the process would be for street paving or bike lanes on streets that go in and out of city

**145-104**

**3/15/05**

and county areas, with County Interim Assistant Public Works Director Bower responding. A motion and second was made to approve staff's recommendation. Councilmember Duncan spoke to the few county areas in district 6 and questioned if the county would be responsible for the routine maintenance of Millbrook going north from Liberty Hill to Copper and what assurance there was that the county, with their fiscal issues, would not just ignore maintenance requests, with Public Works Director Healey responding.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, **RESOLVED**, the Public Works Director authorized to execute an agreement with Fresno County for the shared maintenance of dual-jurisdictional public roads, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-G) AUTHORIZE RENEWAL OF AN AGREEMENT BETWEEN THE HOUSING AUTHORITY AND POLICE DEPARTMENT FOR THE HUD CAPITAL FUNDING GRANT PROGRAM**

**1. RESOLUTION NO. 2005-91 - 65<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$80,000 FROM THE HOUSING AUTHORITY FOR RENEWAL OF THE PROGRAM**

**2. RESOLUTION NO. 2005-92 - 19<sup>TH</sup> AMENDMENT TO PAR 2004-210 ADDING TWO (2) POLICE OFFICER POSITIONS FOR THE PROGRAM**

**(6 - 0)** Captain Garner responded to questions of Councilmember Westerlund relative to program requirements for the officers and if there was an opportunity to get El Dorado Park qualified for this program due to the challenges in that area. Councilmember Westerlund stated he wanted to explore that issue further and requested information on the program and requirements.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the renewal of an agreement between the Housing Authority and the Police Department for the HUD Capital Funding Grant Program hereby authorized, and the above entitled Resolution Nos. 2005-91 and 2005-92 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-L) AUTHORIZE THE CODE ENFORCEMENT DIVISION TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE COUNTY OF FRESNO TO PROVIDE GRAFFITI ABATEMENT SERVICES FOR COUNTY RESIDENTS AND BUSINESSES LOCATED WITHIN COUNTY ISLANDS**

Code Enforcement Manager Villa and Planning & Development Director Yovino responded to questions of Councilmember Boyajian and concerns of Councilmember Duncan relative to how the program would work, if there were plans to hire additional staff, and the 1,000 hours being contracted for and concern with taking those hours away from city residents and people having to wait longer for the service. Councilmembers Westerlund and Perea applauded the effort, suggested staff provide an update in 3 months on how the program is working, and stated county residents were taxpayers also. A motion and second was made to approve staff's recommendation. Councilmember Calhoun also expressed his support stating joint cooperation benefitted everyone. City Manager Souza clarified he had been assured by staff that city services would not be impacted.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the Code



Enforcement Division authorized to enter into a contractual agreement with the County of Fresno to provide graffiti abatement services for county residents and businesses located in County islands, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**(1-M) RESOLUTION NO. 2005-93 - AUTHORIZING THE CITY TO APPLY FOR A \$63,000 GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE WORKFORCE HOUSING REWARD PROGRAM, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE A SUBSEQUENT AGREEMENT, ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY TO SECURE THE GRANT, TOGETHER WITH MINOR REVISIONS AS MAY BE APPROVED BY THE CITY ATTORNEY**

**145-105**

**3/15/05**

Upon question of Councilmember Boyajian, Housing Manager Sigala explained why information on C.U.R.E. was included in the staff report.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-93 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

----

**(2:30 P.M.) ACCEPT LOCAL AGRICULTURE INDUSTRY POSITION ON INSPECTION STANDARDS FOR INTERNATIONAL FLIGHTS - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated Council could take a very positive step towards international service at FYI by accepting the agriculture committee's standards for inspection, reviewed the seven criteria as contained in his report to Council as submitted, and noted these goals were the result of a process of collaboration between staff and the ag industry and he hoped they would be accepted.

Speaking in support of the standards for the protection of agriculture were: Don Patrick, Nisei Farmers League; Arlan Miller, California Citrus Mutual; Dennis (last name inaudible), Deputy Agricultural Commissioner, Fresno County Department of Agriculture representing Ag Commissioner Jerry Prieto, Jr.; Alex (last name inaudible), California Grape and Tree Fruit League; Kerri Hammerstrum, Fresno County Farm Bureau; and Manuel Cunha, Nisei Farmers League.

Visiting students from Duncan High School were recognized and welcomed.

Councilmember Duncan stated the importance of standards could not be underscored, advised if an infestation were to occur in June or July 100,000 people would be out of work within 24 hours, spoke to the need to have international flights due to the city's growth but added the ag industry also needed to be protected, and thanked aviation Director Widmar for his hard work and the ag industry for working with staff and made a motion to accept the criteria as the agriculture inspection standards for international flights, which motion was seconded and later acted upon.

Lengthy discussion ensued. Mr. Widmar responded to questions of Councilmembers Perea and Boyajian relative to staff's position on the standards, status of international flights, who will pay the costs to implement the standards, if the conditions have been discussed informally with Mexicana, how enforcement would work in Mexico, and if the restrictions would impact the city's ability to provide air service **(7 - 0)**. Councilmember Calhoun stated there were a number of pieces out there that had not been addressed yet, he felt accepting standards was premature, he did not see any city fingerprints or involvement here—only a memo from Councilmember Duncan with a letter from the ag industry, he felt this information was a good start but it needed to be a part of a larger report on what provisions other cities with international flights have in place, and questioned what Fresno County's position was on this matter, with City Manager Souza responding throughout. Mr. Widmar and Councilmember Duncan clarified issues and/or responded at length to questions/comments of Councilmember Sterling relative to why Mexicana was not present to give their input, concern with some of the conditions and if it would be fair to impose them, if Mexicana was invited to address the issue this date, numerous questions on the standards relative to baggage, inspection and outgoing cargo, concern with imposing restrictions without agreement from Mexicana, and clarification that Mexicana would be able to respond to the standards. Councilmember Westerlund commended everyone for their work on the issue, concurred there were a lot of moving pieces but clarified this agriculture issue was brought forth so it could be looked at in

isolation to determine what minimum standards would be required from anyone wanting to provide international flights, and presented questions relative to whether the ag community was comfortable with these as *minimum* standards, infestations and quarantine radius, sovereignty issues, Mexicana's willingness to do pre-screening, and need to have passenger declarations, with Mr. Cunha, the Fresno County ag representative, and Mr. Widmar responding. City Attorney Montoy and Mr. Widmar responded to additional questions of Councilmember Boyajian relative to whether the city attorney reviewed this and saw any issues, why these standards are so stringent, what Kansas City and Sacramento require, and if stringent standards could burden having an international carrier come into the city. Councilmember Duncan clarified these were reasonable standards and added once they are approved the city would need to engage the local representatives to see if they can get Bakersfield to also approve them. Councilmember Sterling requested she be included in meetings with Mexicana and the process as it moves forward.

Councilmember Calhoun stated there were many questions and reiterated he wanted to see the city's position on this matter before taking action, and made a motion to table the matter one month for staff to return with a report and recommendation, which motion died for lack of a second.

145-106

3/15/05

On notion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the local Agriculture Industry's position/criteria on inspection standards for International flights hereby accepted, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None  
Abstain : Calhoun

----

**(2:00 P.M. #2) CLOSED SESSION:**

( A ) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: FRESNO POLICE OFFICERS ASSOCIATION (FPOA) MANAGEMENT UNIT

Tabled.

( B ) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT PARTICIPATION - CASE NAME: SMITH V. CITY OF HEMET

( C ) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: TURNUPSEED ELECTRIC SERVICE, INC. V. MAULDIN-DORFMEIER CONSTRUCTION, INC.

( D ) REDEVELOPMENT AGENCY CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - TITLE: APPOINTMENT OF EXECUTIVE DIRECTOR - COUNCILMEMBER CALHOUN

**(8 - 0)** The City Council met in regular closed session and in closed session as the Redevelopment Agency in Room 2125 at the hour of 3:46 p.m. to consider the above Items B, C and D and reconvened in regular open session at 4:27 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Montoy announced in the matter of Item B-1, Smith v. City of Hemet, a case involving a civil rights claim for damages, the Council voted 7-0 to join in the amicus effort.

----

**(3-A) REQUEST FOR REPORT ON MARKETING PLAN AND PACKAGE FOR ROEDING BUSINESS PARK - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund reviewed the background of the issue, noted Attachment "B" in the staff report fell way short of what he asked for and what was discussed, and clarified he was looking for a basic parcel map showing the Roeding Business Park area, APNs, acreage, where buildings currently were and were not located, utilities, list of owners of parcels, and what was available. Economic Development Director Burkhardt stated that was not his recollection of what was discussed and requested of staff and advised CDs were available that contained that information. City Manager Souza added it would be a matter of refining the information and stated staff

would continue to work on and fine-tune the plan, whereupon Councilmember Westerlund recommended the matter be continued two weeks to get something closer to what he wanted.

Discussion continued with Councilmembers Boyajian, Sterling and Duncan commenting on related issues and/or presenting questions at length relative to the type of information that should be included in the marketing plan/brochures (i.e. nearby Running Horse, Chandler Airport, Kearney Blvd.), if that kind information would be helpful, the good information/portfolio currently available, commendation to staff on doing a great job in the areas of economic development, bringing in jobs, and on the meeting with Majestic Realty Co., types of markets and industry groups staff is going after, air quality/sewer/water capacity issues, land aggregation, prospects contacted, concern that a marketing plan was not already in place, and the RFP for a master developer being a step in the right direction. Mr. Burdhardt responded throughout, stated he would speak with Councilmember Westerlund on the information requested, and advised he would re-evaluate the information that the redevelopment agency has. By Council consensus the matter was continued two weeks.

----

**145-107**

**3/15/05**

**(3-C) DISCUSSION REGARDING THE CITY GROWTH BOUNDARY ISSUE SET FOR RECONSIDERATION BY LAFCO ON MARCH 16, 2005 - COUNCILMEMBER CALHOUN**

Councilmember Calhoun reviewed the background of the issue and questioned what the implications would be of a LAFCO decision that would prohibit the city from doing what was planned for in the general plan. Planning & Development Director Yovino responded and clarified various issues at length including matters relative to the January 11<sup>th</sup> meeting, the city's letter to LAFCO on why the SOI approval should remain, LAFCO's options, and staff's intent to request a 30-60 day delay to meet with LAFCO and respond to the recently received director's report. Mr. Yovino and City Attorney Montoy responded to questions and/or comments of Councilmembers Westerlund and Duncan relative to **(9 - 0)** representations made on January 11<sup>th</sup> not being an issue, if the city met all requirements for annexation, how comments that might have been made at the meeting would rise to the level of having the entire general plan put at risk and if there was some other real motive/reason behind that, the Southeast Village and how the McKinley/Locan area would be developed if this moves forward, need for council members to recuse themselves from an issue if they own property within a certain distance from an affected area and if there was a similar condition on LAFCO, and hope that Supervisor Waterston living within 1,000 feet of area where a plan amendment was denied was not behind this and that reason and common sense would prevail at the meeting tomorrow. Mr. Yovino added there were a number of comments in the report staff did not understand and stated although they did not like delays more time was needed to find out what was meant by the comments. Councilmember Boyajian stated he did not agree with half of the city's letter, the general plan and EIR were flawed, and Fresno was not a mentor on growth and elaborated, and stated maybe this would teach the city a lesson. There was no further discussion. Councilmember Calhoun left the meeting at 5:29 p.m.

----

**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:29 p.m. and convened in joint session with the Redevelopment Agency

**APPROVE AGENCY MINUTES OF MARCH 8, 2005**

On motion of Councilmember Westerlund, seconded by President Dages, duly carried, **RESOLVED**, the Agency minutes of March 8, 2005, approved as submitted.

**(A) APPROVE AN OWNER PARTICIPATION AGREEMENT (OPA) WITH MARTIN LUTHER KING (MLK) SQUARE, LLC, ACTING THROUGH ITS MANAGING MEMBER, A.F. EVANS, INC., A CALIFORNIA CORPORATION, INCLUDING RELATED LOAN DOCUMENTS TO FINANCE A PORTION OF REHABILITATION COSTS OF THE MLK SQUARE APARTMENTS**

**1. JOINT RESOLUTION NO. 2005-94/1659 - APPROVING EXECUTION OF THE OPA WITH MARTIN LUTHER KING SQUARE, LLC, INCLUDING RELATED LOAN DOCUMENTS, AND MAKING FINDINGS AND APPROVALS IN CONNECTION THEREWITH AND AUTHORIZING EXECUTION OF DOCUMENTS**

Director Murphey reviewed the project and related issues as contained in the staff report as submitted and recommended approval.

Speaking further to the project and process were Dave Latina, A.F. Evans Vice President, and Project Architect Scott Vincent.

Councilmember Sterling thanked the City, RDA and the Housing Authority for continuing to work with A.F. Evans stating they

did great work and made a motion to approve staff’s recommendation. Councilmembers Perea and Boyajian also commended all involved stating good things were happening and this was going to be an upscale project.

On motion of Councilmember Sterling, seconded by President Dages, duly carried, RESOLVED, the Owner Participation Agreement with Martin Luther King (MLK) Square, LLC, hereby approved, and the above entitled Joint Resolution No. 2005-94/1659 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
Noes : None  
Absent : Calhoun

----

145-108

3/15/05

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 5:41 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

APPROVED on the \_\_\_\_29th\_\_\_\_day of March, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
ATTEST:\_\_\_\_\_/s/\_\_\_\_\_

Tom Boyajian, Agency Chair

Yolanda Salazar, Assistant City Clerk

**145-109**

**3/15/05**